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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

EXAMINER
BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03/29/10*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *12/12/03* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the communication filed on 03/29/2010.

2.   Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -(e) the invention was described in (1) an application
> for patent, published under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an application for patent by
> another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for
> purposes of this subsection of an application filed in the United States only if the international
> application designated the United States and was published under Article 21(2) of such treaty in
> the English language.

3.   Claims 1-11 are rejected under 102(e) as being anticipated by Hall et al. (Patent

Number 7,107,231) hereinafter Hall.

In reference to claim 1, Hall teaches an enterprise media distribution system

comprising: a central server system, located at a service provider, comprising one or

more central servers (col. 3 lines 43 to col. 4 lines 60, col. 13 lines 6 to col. 14 lines 18

and Figures 1, 2, 4, 9A, and 9B); a chain network system, in communication with the at

least one chain server by way of a computer network configuration facilitating the

exchange of information between the chain network system and the central server

system (col. 8 lines 46-65); a client server system, wherein the client server system is

connected to the communications network (col. 3 lines 54 to col. 4 lines 5, col. 4 lines

61-67, col. 6 lines 28-57, and Figures 1, 2, and 4), comprising a local advertising data

layer located at a store geographically separated from the central server system, and

geographically separated from the chain network system, for use in providing a

broadcast (col. 4 lines 61 to col. 5 lines 21 and col. 8 lines 9-25), wherein said client

server system is in communication through said computer network configuration with

the chain network system (col. 3 lines 54 to col. 4 lines 5, col. 4 lines 61-67, col. 6 lines

28-57, and Figures 1, 2, and 4); at least one client player device placed at each of the

store locations, each of the client player devices being independently supported and in

communication with an internal audio/visual system installed in the facility at a

respective store location, wherein said client server system is in communication through

a computer network configuration with the client server system facilitating the exchange

of information between the client player devices and the central server system (col. 1

lines 65 to col. 2 lines 3, col. 4 lines 17-38 and lines 61 to col. 5 lines 21, and Figures 1,

3, 4, 9A, and 9B); an independent media broadcast customizable by a business

operator or advertiser supported on each of the client server systems and comprising at

least one of an audio, a visual, and informational media content thereon that may be

specific each of the particular store locations in which the at least one client player

device is located (col. 4 lines 17-60, col. 7 lines 4-61, col. 8 lines 9-25, and col. 17 lines

50-54); and an interface layer that allows the client server system to selectively interact

with a data layer at the central server system to allow each local store to actively modify

the data layer, located at the service provider, to create a unique audio program

consisting of customized music and customized general advertising, and wherein the

data layer is customized by the interface at each local store, such that control over the

audio program is experienced locally at the client server system, disseminated remotely

from the central server system, and introduced into a store by the at least one client

player device (col. 1 lines 65 to col. 2 lines 3, col. 4 lines 17-38 and lines 61 to col. 5

lines 21, col. 8 lines 9-25, and col. 17 lines 50-54, and Figures 1, 3, 4, 9A, and 9B).

4.   In reference to claim 2, Hall teaches the enterprise media distribution system

wherein said customizable media broadcast comprises media selected from the group

consisting of, audio data, video data fed to video screens located at a business location,

advertisements, announcements, and other informational content (col. 5 lines 4-46, col.

6 lines 1-27, and col. 7 lines 4 to col. 8 lines 45).

5.   In reference to claims 3 and 10, Hall teaches the enterprise media distribution

system of wherein said chain server comprises an updating server (col. 5 lines 63 to col.

6 lines 27, col. 8 lines 46 to col. 9 lines 7, and col. 12 lines 16-19 and 44-50).

6.   In reference to claims 4 and 11, Hall teaches the enterprise media distribution

system of wherein said chain server comprises a caching server (i.e. local server stores

content) (col. 3 lines 54 to col. 4 lines 5, col. 4 lines 61 to col. 5 lines 21, col. 9 lines 30-

61) .

7.   In reference to claim 5, Hall teaches an in-store media broadcasting system

comprising: a central server having a data layer (col. 3 lines 43 to col. 4 lines 60, col. 13

lines 6 to col. 14 lines 18 and Figures 1, 2, 4, 9A, and 9B); a chain server having a data

layer (col. 4 lines 61 to col. 5 lines 21 and col. 8 lines 9-25), wherein the chain server is

connected to the central server via a computer network (col. 8 lines 46-65); a client

player device having a presentation layer for use in providing and controlling a

customizable media broadcast, the client player device in communication with the chain

server (col. 1 lines 65 to col. 2 lines 3, col. 4 lines 17-38 and lines 61 to col. 5 lines 21,

and Figures 1, 3, 4, 9A, and 9B); and an interface layer that selectively interacts with the

data layer and the presentation layer, wherein control over the broadcast is experienced

locally at the client player device (i.e. touch screen) (col. 5 lines 22-46), wherein said

broadcast is customizable by a business operator or advertiser (col. 8 lines 9-25 and

col. 17 lines 50-54).

8.   In reference to claim 6, Hall teaches a method for establishing an enterprise

media distribution system for broadcasting media at one or more business locations

existing within a business chain, said method comprising: equipping a business chain

with at least one chain server operable within a chain server system (i.e. providing a

local server at a business) (col. 3 lines 54 to col. 4 lines 5, col. 4 lines 61 to col. 5 lines

21), said chain server operated and managed by business chain personnel (col. 8 lines

9-15 and col. 17 lines 31-54); connecting, via a computer network, said chain server to

a central server system comprising at least one central server to facilitate the exchange

of information between the chain server and the central server, said central server

comprising broadcast data retrievable by said chain server (col. 3 lines 54 to col. 4 lines

5, col. 4 lines 61-67, col. 6 lines 28-57, and Figures 1, 2, and 4); connecting one or

more client player devices located at respective remote business chain locations to said

chain server system via a computer network to facilitate the exchange of broadcast and

broadcast-related data between said chain server and said client player devices (col. 1

lines 65 to col. 2 lines 3, col. 4 lines 17-38 and lines 61 to col. 5 lines 21, and Figures 1,

3, 4, 9A, and 9B); causing each of said client player devices to communicate with the

chain server to exchange broadcast and broadcast-related data, said client player devices capable of running independent, in-store media broadcasts (col. 1 lines 65 to col. 2 lines 3, col. 4 lines 17-38 and lines 61 to col. 5 lines 21, and Figures 1, 3, 4, 9A, and 9B) customizable by a business operator or advertiser (col. 8 lines 9-25 and col. 17 lines 50-54).

9.   In reference to claim 7, Hall teaches the method wherein said chain server system comprises a local area network or business Intranet (i.e. the client player devices are wirelessly connected to the local office server or to a master fuel dispenser) (col. 2 lines 61-67, col. 3 lines 54-65, col. 4 lines 53-60, col. 5 lines 63 to col. 6 lines 27, and col. 14 lines 19-56).

10.   In reference to claim 8, Hall teaches the method, wherein said customizable in-store media broadcast is controlled substantially by said chain server (col. 2 lines 61 to col. 3 lines 18, col. 5 lines 63 to col. 6 lines 27, and col. 17 lines 31-50).

12.   In reference to claim 9, Hall teaches the method wherein said customizable in-store media broadcast is controlled substantially by said client player device (col. 5 lines 22-46).

Response to Arguments

11.   After careful review of Applicant's remarks/arguments filed on 03/29/2010, the examiner fully considered the arguments, but they are not persuasive.

12.   Applicant argues that Hall does not describe a system that allows each local store to create a unique audio program consisting of customized music and customized general advertising by actually modifying the centrally stored data layer through an

interface at each local store, such that control over the audio program is experienced

locally at the client server system, disseminated remotely from the central server

system, and introduced into a store by the at least one client player device. Applicant

further argues that the Hall disclosure fails to read on the concept of local control over a

centrally stored data layer, dissemination from the central server, and display at

individual client player devices. The Examiner respectfully disagrees with the Applicant,

since Hall teaches the concept of local control over a centrally stored data layer,

dissemination from the central server, and display at individual client player devices and

a system that allows each local store to create a unique audio program consisting of

customized music and customized general advertising by actually modifying the

centrally stored data layer through an interface at each local store, such that control

over the audio program is experienced locally at the client server system, disseminated

remotely from the central server system, and introduced into a store by the at least one

client player device (col. 5 lines 227-62, col. 8 lines 9-45, col. 12 lines 23-27, and col. 17

lines 50-54). Specifically, when the customer is able to modify the content at the store

pump, this is also local control over central programming, even though the customer is

one the one who might be providing an input in this particular embodiment, since the

information presented to the customer will vary for each store based on what that

particular customer at that store is inputting at the pump. Additionally, the CPU can be

programmed to slow down or speed up the pumping of gas to complete the display of

advertisements. Also, certain commercials can be controlled by the central office, and

certain can be controlled locally which can also be posted according to real-time

activities by the customer. For example, if the customer is purchasing a high-grade fuel

(more expensive), the fuel dispenser can react to this and alter the programming for

advertising more expensive products. This feature can also be based upon what the

customer purchases at the point-of-sale location, and also by the type of payment

method. For example, if the customer pays for fuel using a "platinum" credit card,

programming can be immediately altered to reflect advertising directed to more

expensive products. Furthermore, it is also possible to download the update and

advertising information to all local office systems, and let the local offices pass the

information to the fuel dispenser systems. In this case, personnel at the local office may

insert or modify the advertising to suit the location and clientele it services. Also,

personnel on duty at the time of any announcements normally broadcast over television

or radio could also enable a switch which would trigger input of such announcement into

the site master for immediate presentation to customers, and this reads on the concept

of local control over centrally stored data as well, since the updates are coming from the

central server, but the local personnel have the control to allow this updated information

to be presented to the users by enabling a switch.

13.   Applicant also argues that Hall fails to disclose a system comprising a plurality of

business chains each comprising a plurality of facilities at respective business locations,

since it does not disclose a complex structure of the central server system being

connected to a chain network system. The Examiner respectfully disagrees with the

Applicant and would like to point the Applicant to col. 8 lines 46 to col. 9 lines 7, where

Hall discloses that the central office transmits information to many locations or

sometimes to just a specific fuel dispensing location (i.e. a local office). For example, geography could be a factor in transmitting the file to a specific number of fuel dispensing locations only in a specific geographic area. Also, daily updates and product information is transmitted to one or more fuel dispenser systems or locations for storage on the respective fuel dispenser storage devices. So, clearly Hall discloses not just sending information to just a single gas station but rather to a chain of gas stations from the central server, and therefore it disclosed the complex structure of the central server system being connected to a chain network system argued by the Applicant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Namrata (Pinky) Boveja whose telephone number is

571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The FAX

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Primary Examiner, Art Unit 3622